

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Union)
Electric Company for an Order Authorizing:)
(1) Certain Merger Transactions Involving)
Union Electric Company; (2) The Transfer)
of Certain Assets, Real Estate, Leased) Case No. EM-96-149
Property, Easements and Contractual)
Agreements to Central Illinois Public)
Service Company; and (3) In Connection)
Therewith, Certain Other Related Transactions)

DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY

The Commission acted prematurely when we granted in part Staff's Motion to Compel, ordering UE to answer 16 Data Requests prior to receiving UE's response to that motion. Therefore, we should grant UE's motion for reconsideration. UE's motion adequately explains its failure to timely object to data requests under a discovery procedure that arguably does not apply to the instant proceeding.

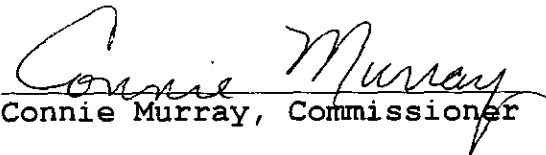
The information required of UE under the terms of the EARP does not include, as Staff claims it does, the degree of information required in a "revenue cost of service audit". As UE points out, we have not directed Staff to perform such an audit. Staff's task under the EARP is merely to file a recommendation as to the future of the second EARP. The EARP explicitly states the type of information to be provided. Staff

does not have a right to demand, in this proceeding, information beyond that relevant to the recommendation that it must file by February 1, 2001.

The proper direction for this Commission to give the parties at this juncture would be to order them to meet for the purpose of reaching an agreement about the information to be provided. If no such agreement could be reached within a reasonable time, we could order an on-the-record presentation of the legal arguments concerning the motions.

For these reasons, I respectfully dissent.

Respectfully submitted,


Connie Murray, Commissioner

Dated at Jefferson City, Missouri,
on this 9th day of November 2000.

ALJ/Sec'y: Register/Boyce

11-7 EM-96-149
Date Circulated CASE NO.

SL p4
Lampe, Chair

WLB p79
Drainer, Vice Chair

CM NO Dissent to Attach
Murray, Commissioner

GS
Schemenauer, Commissioner

KS
Simmons, Commissioner

11-9
Agenda Date

Action taken: 4-1 AA
document attached

Must Vote Not Later Than _____

302-01

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 9th day of Nov. 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

